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COMMITTEE ON INTELLIGENCE
WASHINGTON, D.C. 20515

79-6011/3

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January 9, 1979

OLC #79 0027/B

To all Witnesses:

The following related sections were inadvertently left out of those sections of S. 1 which I sent to you in connection with this Committee's hearings on the protection and misuse of national security information.

Michael J. O'Neil
Chief Counsel

Enclosure

1 cealing the contents or significance or means of communi-
2 cations of the United States or a foreign power;

3 "(2) regarding the use, design, construction, maintenance,
4 or repair of a device or apparatus used, or prepared or
5 planned for use, for cryptographic purposes, by the United
6 States or a foreign power; or

7 "(3) obtained by interpreting an original communication
8 by the United States or a foreign power that was in the form
9 of a code or cipher or that was transmitted by means of a
10 cryptographic system or other method of any nature used
11 for the purpose of disguising or concealing the contents or
12 significance or means of communications of the United
13 States or a foreign power;

14 "(e) 'information' includes any property from which informa-
15 tion may be obtained;

16 "(f) 'national defense information' includes information, other
17 than information that has previously been made available to the
18 public pursuant to authority of Congress or by the lawful act of
19 a public servant, that relates to:

20 "(1) military capability of the United States or of an
21 associate nation;

22 "(2) military planning or operations of the United States;

23 "(3) military communications of the United States;

24 "(4) military installations of the United States;

25 "(5) military weaponry, weapons development, or weapons
26 research of the United States;

27 "(6) intelligence operations, activities, plans, estimates,
28 analyses, sources, or methods, of the United States;

29 "(7) intelligence with regard to *concerning* a foreign
30 power;

31 "(8) communications intelligence information or crypto-
32 graphic information; or

33 "(9) restricted data; as defined in section 11 of the Atomic
34 Energy Act of 1954, as amended (42 U.S.C. 2014); or

35 "(10) in time of war, any other matter involving the se-
36 curity of the United States that might be useful to the enemy;

37 "(g) 'restricted area' means an area of land, water, air, or space
38 that includes a facility of the United States, or a facility of a
39 contractor or subcontractor working with or on behalf of the

1 of the Foreign Agents Registration Act of 1938, as amended (22
2 U.S.C. 611).

3 "(c) GRADING.—An offense described in this section is:

4 "(1) a Class D felony in the circumstances set forth in sub-
5 section (a) (1) or (a) (2);

6 "(2) a Class E felony in the circumstances set forth in sub-
7 section (a) (3).

8 "§ 1128. Definitions for Subchapter C

9 As used in this subchapter:

10 "(a) 'authorized', when used in relation to the receipt, posses-
11 sion, or control of classified information or national defense
12 information, means with authority to have access to, to receive,
13 to possess, or to control such information as a result of the provi-
14 sions of a statute or an executive order, or a regulation or rule
15 issued pursuant thereto;

16 "(b) 'classified information' means any information, regardless
17 of its origin, that is marked or designated pursuant to the provi-
18 sions of a statute or an executive order, or a regulation or rule
19 issued pursuant thereto, as information requiring a specific degree
20 of protection against unauthorized disclosure for reasons of
21 national security;

22 "(c) 'communications intelligence information' means informa-
23 tion:

24 "(1) regarding a procedure or method used by the United
25 States or a foreign power in the interception of communica-
26 tions or the obtaining of information from such communica-
27 tions by other than the intended recipient;

28 "(2) regarding the use, design, construction, maintenance,
29 or repair of a device or apparatus used, or prepared or planned
30 for use, by the United States or a foreign power in the inter-
31 ception of communications or the obtaining of information
32 from such communications by other than the intended
33 recipient; or

34 "(3) obtained by use of a procedure or method described
35 in paragraph (1), or by use of a device or apparatus described
36 in paragraph (2);

37 "(d) 'cryptographic information' means information:

38 "(1) regarding the nature, preparation, use, or interpreta-
39 tion of a code, cipher, cryptographic system, or other method
40 of any nature used for the purpose of disguising or con-

or an executive order, or a regulation or rule issued pursuant thereto, for reasons of national defense; ~~defense~~; and

"(h) 'restricted data' has the meaning set forth in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

"Subchapter D.—Miscellaneous National Defense Offenses

"Sec.

"1131. Atomic Energy Offenses.

"§ 1131. Atomic Energy Offenses

"(a) OFFENSE.—A person is guilty of an offense if he violates any of the following provisions of the Act of August 1, 1946, as added by section 1 of the Atomic Energy Act of 1954, as amended:

"(1) section 57 (42 U.S.C. 2077) (relating to unauthorized dealing in special nuclear material);

"(2) section 92 (42 U.S.C. 2122) (relating to the manufacture, transfer, or possession of an atomic weapon);

"(3) section 101 (42 U.S.C. 2131) (relating to the unlicensed manufacture, transfer, or possession of a utilization or production facility for special nuclear material); or

"(4) section 103 (42 U.S.C. 2133) (relating to suspension of licenses and recapture of special nuclear material) by interfering with a recapture or entry order.

"(b) GRADING.—An offense described in this section is:

"(1) a Class C B felony if the conduct is engaged in with intent that it operate to the prejudice of the safety or interest of the United States or to the advantage of a foreign power;

"(2) a Class D C felony in any other case.

"Chapter 12.—OFFENSES INVOLVING INTERNATIONAL AFFAIRS

"Subchapter

"A. Offenses Involving Foreign Relations

"B. Offenses Involving Immigration, Naturalization, and Passports

"Subchapter A.—Offenses Involving Foreign Relations

"Sec.

"1201. Attacking a Foreign Power.

"1202. Conspiracy against a Foreign Power.

"1203. Entering or Recruiting for a Foreign Armed Force.

"1204. Violating Neutrality by Causing Departure of a Vessel or Aircraft.

"1205. Disclosing a Foreign Diplomatic Code or Correspondence.

"1206. Engaging in an Unlawful International Transaction.

"§ 1201. Attacking a Foreign Power

"(a) OFFENSE.—A person is guilty of an offense if he launches or carries on, from the United States, a military attack or expedition against a foreign power with which the United States is not at war.

"(b) ~~Approved For Release 2005/12/14 : CIA-RDP80S01268A000500010005-3~~
dition' against a foreign power means:

1 “(b) DELAYED REVOCATION.—The power of the court to revoke a sen-
2 tence of probation for violation of a condition of probation extends be-
3 yond the expiration of the term of probation for any period reasonably
4 necessary for the adjudication of matters arising before its expiration
5 if, prior to its expiration, a warrant or summons has been issued on the
6 basis of an allegation of such a violation.

7 “§ 2106. Implementation of a Sentence of Probation

8 “The implementation of a sentence of probation is governed by the
9 provisions of subchapter A of chapter 38.

10 “Chapter 22.—FINES

“Sec.

“2201. Sentence of Fine.

“2202. Imposition of a Sentence of Fine.

“2203. Modification or Remission of Fine.

“2204. Implementation of a Sentence of Fine.

11 “§ 2201. Sentence of Fine

12 “(a) IN GENERAL.—Subject to the provisions of section 2202, a
13 defendant who has been found guilty of an offense may be sentenced
14 to pay a fine.

15 “(b) AUTHORIZED FINES.—Except as otherwise provided in sub-
16 section (c) or any other provision of law, the authorized fines are:

17 “(1) if the defendant is an individual:

18 “(A) for a felony, not more than \$100,000;

19 “(B) for a misdemeanor, not more than \$10,000;

20 “(C) for an infraction, not more than \$1,000;

21 “(2) if the defendant is an organization:

22 “(A) for a felony, not more than \$500,000;

23 “(B) for a misdemeanor, not more than \$100,000;

24 “(C) for an infraction, not more than \$10,000.

25 “(c) ALTERNATIVE AUTHORIZED FINE.—In lieu of a fine authorized
26 by subsection (b) or any other provision of law, a defendant who has
27 been found guilty of an offense through which pecuniary gain was
28 directly or indirectly derived, or by which personal injury or property
29 damage or other loss was caused, may be sentenced to pay a fine that
30 does not exceed twice the gross gain derived or twice the gross loss
31 caused, whichever is the greater.

32 “§ 2202. Imposition of a Sentence of Fine

33 “(a) CRITERIA FOR IMPOSING FINE.—The court, in determining
34 whether to impose a fine, and *and, if a fine is to be imposed*, in deter-
35 mining the amount of the fine, the time for payment, and the method
36 of payment, shall consider:

1 in the amount imposed or payment by the time or method specified,
 2 or that it would otherwise be unjust to require payment of the fine
 3 in the amount imposed or by the time or method specified, the court
 4 may enter an order:

- 5 “(1) extending the time for payment;
- 6 “(2) modifying the method of payment; or
- 7 “(3) remitting all or part of the unpaid portion.

8 “§ 2204. Implementation of a Sentence of Fine

9 “The implementation of a sentence to pay a fine is governed by the
 10 provisions of subchapter B of chapter 38.

11 “Chapter 23.—IMPRISONMENT

“Sec.

“2301. Sentence of Imprisonment.

“2302. Imposition of a Sentence of Imprisonment.

“2303. Parole Term and Contingent Prison Term Included in Sentence of Im-
 prisonment.

“2304. Multiple Sentences of Imprisonment.

“2305. Calculation of Term of Imprisonment.

“2306. Implementation of a Sentence of Imprisonment and Parole Therefrom.

12 “§ 2301. Sentence of Imprisonment

13 “(a) IN GENERAL.—A defendant who has been found guilty of
 14 an offense may be sentenced to a term of imprisonment.

15 “(b) AUTHORIZED TERMS.—The authorized terms of imprisonment
 16 are:

- 17 “(1) for a Class A felony, the duration of the defendant's life
 18 or any period of time;
- 19 “(2) for a Class B felony, not more than thirty years;
- 20 “(3) for a Class C felony, not more than fifteen years;
- 21 “(4) for a Class D felony, not more than seven years;
- 22 “(5) for a Class E felony, not more than three years;
- 23 “(6) for a Class A misdemeanor, not more than one year;
- 24 “(7) for a Class B misdemeanor, not more than six months;
- 25 “(8) for a Class C misdemeanor, not more than thirty days;
- 26 “(9) for an infraction, not more than five days.

27 “(c) AUTHORIZED EXTENDED TERMS.—The authorized extended
 28 terms term of imprisonment for felonies a felony committed by a
 29 dangerous special offenders are offender is not more than twice the term
 30 authorized for the felony by subsection (b) or twenty-five years, which-
 31 ever is less.

32 “(d) AUTHORIZED TERMS OF PAROLE INELIGIBILITY.—The author-
 33 ized terms term of imprisonment for felonies a felony that may be re-

		CONFIDENTIAL	SECRET
JOINT SECRETARIAT (O/DCI) Routing Slip			
		ACTION	INFO
	DCI		
3	DD/RM		
4	DD/NFA		
5	DD/CT		
6	DD/A		
7	DD/O		
8	DD/S&T		
9	GC	✓	
10	LC	✓	
11	IG		
12	Compt		
13	D/PA		
14	D/EEO		
15	D/Pers		
16	AO/DCI		
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SUSPENSE DATE:			
Remarks:			

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